

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,)	
)	
Plaintiff,)	
)	C. A. No. 06-222 (JJF)
v.)	
)	REDACTED -
IMPAX LABORATORIES, INC.,)	PUBLIC VERSION
)	
Defendant.)	

**VOLUME II OF IV (EXHIBITS 4-6) TO THE
CONSOLIDATED DECLARATION OF KAREN JACOBS LOUDEN
IN SUPPORT OF WYETH'S COUNTERSTATEMENTS
IN OPPOSITION TO IMPAX'S MOTIONS FOR SUMMARY JUDGMENT**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Jack B. Blumenfeld (#1014)
Karen Jacobs Louden (#2881)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
Attorneys for Plaintiff Wyeth

OF COUNSEL:

Basil J. Lewis
Linda A. Wadler
Barbara R. Rudolph
Alan A. Wright
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
(202) 408-4000

Original Filing Date: December 28, 2007

Redacted Filing Date: January 8, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC.,

Defendant.

C. A. No. 06-222 (JJF)

**REDACTED –
PUBLIC VERSION**

**CONSOLIDATED DECLARATION OF KAREN JACOBS LOUDEN
IN SUPPORT OF WYETH'S COUNTERSTATEMENTS
IN OPPOSITION TO IMPAX'S MOTIONS FOR SUMMARY JUDGMENT**

I, Karen Jacobs Loudon, hereby declare as follows:

1. I am a partner with the law firm of Morris, Nichols, Arsht & Tunnell, LLP. I am one of the attorneys representing Wyeth in the current litigation.

2. Attached hereto as Exhibit 1 is a true and correct copy [REDACTED]

3. Attached hereto as Exhibit 2 is a true and correct copy [REDACTED]

4. Attached hereto as Exhibit 3 is a true and correct copy [REDACTED]

5. Attached hereto as Exhibit 4 is a true and correct copy [REDACTED]

6. Attached hereto as Exhibit 5 is a true and correct copy [REDACTED]

7. Attached hereto as Exhibit 6 is a true and correct copy [REDACTED]

8. Attached hereto as Exhibit 7 is a true and correct copy [REDACTED]

9. Attached hereto as Exhibit 8 is a true and correct copy [REDACTED]

10. Attached hereto as Exhibit 9 is a true and correct copy [REDACTED]

11. Attached hereto as Exhibit 10 is a true and correct copy [REDACTED]

12. Attached hereto as Exhibit 11 is a true and correct copy [REDACTED]

13. Attached hereto as Exhibit 12 is a true and correct copy [REDACTED]

14. Attached hereto as Exhibit 13 is a true and correct copy [REDACTED]

15. Attached hereto as Exhibit 14 is a true and correct copy [REDACTED]

16. Attached hereto as Exhibit 15 is a true and correct copy [REDACTED]

17. Attached hereto as Exhibit 16 is a true and correct copy [REDACTED]

18. Attached hereto as Exhibit 17 is a true and correct copy [REDACTED]

19. Attached hereto as Exhibit 18 is a true and correct copy [REDACTED]

20. Attached hereto as Exhibit 19 is a true and correct copy [REDACTED]

21. Attached hereto as Exhibit 20 is a true and correct copy [REDACTED]

22. Attached hereto as Exhibit 21 is a true and correct copy of a document bearing Bates Numbers WYETH208-000072 to 000095.

23. Attached hereto as Exhibit 22 is a true and correct copy [REDACTED]

24. Attached hereto as Exhibit 23 is a true and correct copy [REDACTED]

25. Attached hereto as Exhibit 24 is a true and correct copy [REDACTED]

26. Attached hereto as Exhibit 25 is a true and correct copy [REDACTED]

27. Attached hereto as Exhibit 26 is a true and correct copy [REDACTED]

28. Attached hereto as Exhibit 27 is a true and correct copy [REDACTED]

29. Attached hereto as Exhibit 28 is a true and correct copy [REDACTED]

30. Attached hereto as Exhibit 29 is a true and correct copy [REDACTED]

31. Attached hereto as Exhibit 30 is a true and correct copy [REDACTED]

32. Attached hereto as Exhibit 31 is a true and correct copy [REDACTED]

33. Attached hereto as Exhibit 32 is a true and correct copy [REDACTED]

34. Attached hereto as Exhibit 33 is a true and correct copy [REDACTED]

35. Attached hereto as Exhibit 34 is a true and correct copy [REDACTED]

36. Attached hereto as Exhibit 35 is a true and correct copy [REDACTED]

37. Attached hereto as Exhibit 36 is a true and correct copy [REDACTED]

38. Attached hereto as Exhibit 37 is a true and correct copy [REDACTED]

39. Attached hereto as Exhibit 38 is a true and correct copy [REDACTED]

40. Attached hereto as Exhibit 39 is a true and correct copy of the Assignment Transferring Rights to U.S. Patent No. 5,506,270 from Upton, Derivan, and Rudolph to American Home Products Corporation.

41. Attached hereto as Exhibit 40 is a true and correct copy of an article entitled J. Russell, *Relatively Low Doses of Cisapride in the Treatment of Nausea in Patients Treated with Venlafaxine for Treatment-Refractory Depression*, J. Clin. Psychopharmacology, Vol. 16, No. 1, pp. 35-37 (1996).

42. Attached hereto as Exhibit 41 is a true and correct copy of [REDACTED]

43. Attached hereto as Exhibit 42 is a true and correct copy of the Assignment Transferring Rights for the Patents-in-Suit from S. White to American Home Products Corporation.

44. Attached hereto as Exhibit 43 is a true and correct copy [REDACTED]

45. Attached hereto as Exhibit 44 is a true and correct copy [REDACTED]

46. Attached hereto as Exhibit 45 is a true and correct copy [REDACTED]

47. Attached hereto as Exhibit 46 is a true and correct copy [REDACTED]

48. Attached hereto as Exhibit 47 is a true and correct copy [REDACTED]

49. Attached hereto as Exhibit 48 is a true and correct copy [REDACTED]

50. Attached hereto as Exhibit 49 is a true and correct copy of excerpted pages from the 19th Edition of *Remington: The Science and Practice of Pharmacy*, (1995) Vol. II, Ch. 92.

51. Attached hereto as Exhibit 50 is a true and correct copy of [REDACTED]

52. Attached hereto as Exhibit 51 is a true and correct copy of an article entitled Sarkar, "*Thermal Gelation Properties of Methyl and Hydroxypropyl Methylcellulose [i.e., HPMC]*", *Journal of Applied Polymer Science*, Vol. 24, pp. 1073-1087 (1979).

53. Attached hereto as Exhibit 52 is a true and correct copy [REDACTED]

54. Attached hereto as Exhibit 53 is a true and correct copy [REDACTED]

55. Attached hereto as Exhibit 54 is a true and correct copy [REDACTED]

56. Attached hereto as Exhibit 55 is a true and correct copy [REDACTED]
[REDACTED]

57. Attached hereto as Exhibit 56 is a true and correct copy of excerpted pages from the Handbook of Pharmaceutical Excipients: Microcrystalline Cellulose, edited by R. C. Rowe et al., pp. 108-111 (4th ed. 2003).

58. Attached hereto as Exhibit 57 is a true and correct copy of excerpted pages from the Handbook of Pharmaceutical Excipients: Sugar Spheres, edited by R.C. Rowe et al., pp.630-631 (4th ed. 2003).

59. Attached hereto as Exhibit 58 is a true and correct copy of excerpted pages from the Handbook of Pharmaceutical Excipients: Povidone, edited by R.C. Rowe et al., pp.508-513 (4th ed. 2003).

60. Attached hereto as Exhibit 59 is a true and correct copy [REDACTED]
[REDACTED]

61. Attached hereto as Exhibit 60 is a true and correct copy [REDACTED]
[REDACTED]

62. Attached hereto as Exhibit 61 is a true and correct copy of U.S. Patent No. 5,885,616, issued on March 23, 1999.

63. Attached hereto as Exhibit 62 is a true and correct copy [REDACTED]
[REDACTED]

64. Attached hereto as Exhibit 63 is a true and correct copy of excerpted pages from the file wrapper for Patent Application No. 08/821,137.

65. Attached hereto as Exhibit 64 is a true and correct copy of excerpted pages from the file wrapper for Patent Application No. 08/964,328.

66. Attached hereto as Exhibit 65 is a true and correct copy of excerpted pages from the file wrapper for Patent Application No. 09/488,629.

67. Attached hereto as Exhibit 66 is a true and correct copy of excerpted pages from the file wrapper for Patent Application No. 09/884,412.

68. Attached hereto as Exhibit 67 is a true and correct copy of excerpted pages from the file wrapper for Patent Application No. 09/950,965.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this 28th day of December, 2007.

/s/ Karen Jacobs Loudon (#2881)
Karen Jacobs Loudon (#2881)

1347978

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 8, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Mary B. Matterer
MORRIS JAMES LLP

I also certify that copies were caused to be served on January 8, 2008 upon the following in the manner indicated:

BY E-MAIL AND HAND

Mary B. Matterer
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19899

BY E-MAIL

Joseph C. Gratz
Daralyn J. Durie
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111-1704

/s/ Karen Jacobs Loudon

Karen Jacobs Loudon (#2881)
klouden@mnat.com

EXHIBIT 4

REDACTED

EXHIBIT 5

REDACTED

EXHIBIT 6

REDACTED